

VZCZCXYZ0011
OO RUEHWEB

DE RUEHC #8941 2941925
ZNR UUUUU ZZH
O 211905Z OCT 09
FM SECSTATE WASHDC
TO USMISSION USUN NEW YORK IMMEDIATE 8256

UNCLAS STATE 108941

SIPDIS

E.O. 12958: N/A
TAGS: [AORC](#) [SOCI](#) [UN](#) [PHUM](#) [UNGA](#)
SUBJECT: INSTRUCTION: JOIN CONSENSUS ON UNGA 3C RESOLUTION
"FOLLOW-UP TO THE SECOND WORLD ASSEMBLY ON AGEING"

REF: KIDWELL-GAMBONE EMAIL 10/20/2009 12:58 PM

¶1. The Department authorizes USDEL to join consensus on the resolution entitled "Follow-up to the Second World Assembly on Ageing," provided that the resolution text does not change significantly from the wording contained in REFTEL to negatively affect vital U.S. interests.

¶2. Additionally, the Department instructs USDEL deliver the following EOP:

"The United States respects and protects the human rights of all persons, including older persons, and has enacted laws to oppose age-based discrimination. For example, the Age Discrimination in Employment Act of 1967 (ADEA) protects certain applicants and employees 40 years of age and older from discrimination on the basis of age in hiring, promotion, discharge, compensation, or terms, conditions or privileges of employment. The Age Discrimination Act of 1975 prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance. The Older Workers Benefit Protection Act of 1990 amended the ADEA to specifically prohibit employers from denying benefits to older employees.

This resolution calls for states to eliminate discrimination on the basis of age. While there are certain cases in which the use of age as a distinction has a reasonable basis and is done to achieve a legitimate purpose, the United States views this resolution as being aimed at invidious discrimination. Examples of a legitimate distinction based on age include U.S. laws that protect children, and bar them from a wide variety of activities. Another example is the U.S. Constitution's minimum ages for holding certain political offices. The ADEA also allows certain age-based employment decisions, for example where age is a bona fide occupational qualification. This interpretation of discrimination is generally consistent with paragraph 13 of the Committee on Civil and Political Rights' General Comment No. 18, on non-discrimination."

CLINTON